

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CROWN CLOTHING CORPORATION,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 05-10049 (NG)
)	
RANDCORE, INC.,)	
RAND INTERNATIONAL TRADING,)	
INC., ANDRE BERNARD, AND)	
RONALD BERNARD,)	
Defendants)	
_____)	

**OPPOSITION OF PLAINTIFF CROWN CLOTHING CORPORATION
TO MOTION OF JEFFREY S. STERN FOR LEAVE TO WITHDRAW
AS COUNSEL FOR THE DEFENDANTS RANDCORE, INC., RAND
INTERNATIONAL TRADING, INC., AND ANDRE BERNARD**

The plaintiff Crown Clothing Corporation (“Crown Clothing”) opposes the Motion of Jeffrey S. Stern, counsel for the Defendants Randcore, Inc., Rand International Trading, Inc. and Andre Bernard (collectively referred to herein as “Defendants”)¹, for Leave to Withdraw on the following grounds:

1. The asserted reason for withdrawal, that the Defendants “conclude that they cannot continue to fund the defense of this case” and are “prepared to confess judgment” is not a valid reason for withdrawal; and
2. No successor counsel for the Defendants has appeared in the case. See LR. 83.5.2(c); and
3. The Defendants are presently in violation of the Court’s Scheduling Order dated October 6, 2005 which adopted the provisions of the Revised Joint Statement

¹ The remaining defendant in this case Ronald Bernard is separately represented by Gary Greenberg. Mr. Greenberg has not moved to withdraw.

submitted on October 5, 2005 by all of the parties in this case, in that the defendant Andre Bernard refused to appear for his deposition in Boston on November 15, 2005 and the Defendants have failed to produce many of the documents requested in Crown Clothing's First Request for Documents. This deposition and the requested documents are important to Crown Clothing's preparation of its case against the fourth defendant Ronald Bernard and are required whether or not judgment may be entered against Mr. Stern's clients; and

4. The Motion to Withdraw was filed by Mr. Stern at 2:24 PM on November 23, 2005, thirty nine minutes after Crown Clothing's counsel sent to Mr. Stern an e-mail notice enclosing a draft of a motion for sanctions that Crown Clothing intended to file against the Defendants represented by Mr. Stern, requesting a conference with Mr. Stern to attempt to resolve or narrow the issues addressed in the proposed motion of Crown Clothing for sanctions against the Defendants Andre Bernard, Randcore and Rand; and

5. Unless and until final and separate judgment enters against the Defendants represented by Mr. Stern, those Defendants are still parties to the case. To allow Mr. Stern to withdraw as counsel will leave those three defendants unrepresented and will inappropriately burden the remaining parties and the Court in this action; and

6. Crown Clothing is in the process of negotiating with Mr. Stern as counsel for the Defendants a proposed Agreement for Judgment which is intended to address all of the outstanding issues between Crown Clothing and the Defendants with respect to outstanding discovery due from the Defendants and to adjudicate the amount of the judgment to enter against the Defendants. Unless and until such time that final and separate judgment is entered in this case or successor counsel appears, Mr. Stern should not be allowed to withdraw as counsel to the Defendants.

Respectfully submitted,

CROWN CLOTHING CORPORATION

By its attorneys,

/ s / John C. Wyman

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Verification

I, John C. Wyman, hereby state under the penalties of perjury that I am counsel to Crown Clothing Corporation in the above-captioned action and that to the best of my knowledge and belief the facts recited in the foregoing Opposition of Crown Clothing Corporation to Motion of Counsel for Leave to Withdraw are true and correct.

/ s / John C. Wyman

John C. Wyman

Dated: December 8, 2005

CERTIFICATE OF SERVICE

I, John C. Wyman, hereby certify under the pains and penalties of perjury that on December 8, 2005, I served a copy of the within ***Opposition of Plaintiff Crown Clothing Corporation to Motion of Jeffrey S. Stern for Leave to Withdraw as Counsel for the Defendants Randcore, Inc., Rand International Trading, Inc., And Andre Bernard*** electronically to Jeffrey S. Stern, Esq. and by first class mail, postage prepaid to:

Gary R. Greenberg, Esq.
Annapoorni R. Sankaran, Esq.
Greenberg Traurig
One International Place
Boston, MA 02110

/ s / John C. Wyman
John C. Wyman